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REMARKS

The Applicant has carefully read and reviewed the Office Action mailed June 21, 2004, and the references cited therewith. Claims 21-25 were allowed. Claims 1, 2, 5-10, 12, 19, and 20 were rejected. Claims 3, 4, 11, 13-18, and 20 were objected to. Claims 1, 3-7, 10, 12-17, 19, and 21-24 have been amended in this response. Claims 2, 8, 18, and 20 have been canceled in this response. Claims 1, 3-7, 9-17, 19, and 21-25 are still pending.

All amendments to the claims have been made to clarify and broaden the claims. None of the amendments are narrowing amendments made for reasons of patentability.

Claim Objections

Claim 20 was objected to under 37 CFR 1.75(c). Claim 20 has been canceled. Applicant respectfully requests that the objection to the claim 20 be withdrawn.

Claim Rejections - 35 USC 112

Claims 5-8 were rejected due to insufficient antecedent basis. The amendments to claims 5-8 have corrected any perceived antecedent basis problems. Applicant respectfully requests that the claim rejections under 35 USC 112 be withdrawn.

Claim Rejections - 35 USC 102

Claims 1, 9, and 12 were rejected under 35 USC 102(e) as being anticipated by Yamamoto et al.(US 2002/0056054). Applicant respectfully traverses these rejections. As is well known, for a prior art to anticipate under 35 U.S.C. § 102(e), the prior art has to meet every element of the claimed invention. For that reason, the rejection of Claims 1, 9, and 12 per Yamamoto is not proper because Yamamoto does not disclose a defect table partitioned

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into a plurality of segments as stated in Applicant's Independent Claims 1 or 12.

Specifically, Yamamoto does not disclose the use of a defect table stored in a plurality of segments. Yamamoto clearly describes storing the defect table in one segment, see Fig. 4 and related description. Yamamoto does describe storing a back-up of the whole defect table in a separate location; however, this is not equivalent to the storage of a defect table in a plurality of segments. It is clear from the description in Yamamoto that the elements of Applicant's claims 1 and 12 are not expressly or inherently described. And, for at least the reasons described below, a person of ordinary skill in the field of the invention could not interpret the claimed invention to be the same as Yamamoto.

Claim 9 was rejected under 35 U.S.C. § 102 as being unpatentable. Applicant respectfully traverses the rejection of claim 9. Claim 9 is a dependent claim which ultimately depends from claim 1, which is believed to be patentable over the prior art of record for the reasons discussed hereinabove. Claim 9 is thus allowable as a dependent claim depending from allowable independent claims and providing additional limitations thereto.

Claim Rejections – 35 USC 103

Claims 10 and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al. (US 2002/0056054) in view of Aoki (US 6,151,660).

Applicant respectfully traverses the rejection of claims 1-10. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Second, there must be a reasonable expectation of success. Third, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to

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one of ordinary skill in the art, to modify the reference or to combine reference teachings.

With respect to claims 10 and 19, the aforementioned first basic criteria of a prima facie case of obviousness has not been met. The combination of Yamamoto in view of Aoki does not teach or suggest all of the claim limitations. Neither Yamamoto or Aoki teach the use of a defect table stored in a plurality of segments on a data storage medium.

Conclusion

For these reasons, claims 1 and 12, are believed to be patentable over the prior art of record, therefore, reconsideration and withdrawal of the rejection of claims 1 and 12 is requested. Claims 3-7, 9-11, 13-17, 19, and 21-25 are allowable as dependent claims depending from an allowable independent claim and providing additional limitations thereto. Reconsideration and withdrawal of the rejection of claims 1, 3-7, 9-17, 19, and 21-25 is respectfully requested.

Applicant respectfully asserts that the present claims particularly point out and distinctly claim the subject matter which is regarded as the invention.

Therefore, it is respectfully submitted that the pending claims are in condition for allowance, and favorable action with respect to the present application is requested.

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